

2009 DRAFTING REQUEST

Bill

Received: 02/06/2009

Received By: rchampag

Wanted: As time permits

Identical to LRB:

For: David Cullen (608) 267-9836

By/Representing: Ritch Williams

This file may be shown to any legislator: NO

Drafter: rchampag

May Contact:

Addl. Drafters:

Subject: State Govt - miscellaneous

Extra Copies: MDK

Submit via email: YES

Requester's email: Rep.Cullen@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Repeal of UCC Article VI

Instructions:

See attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	rchampag 02/06/2009	kfollett 02/23/2009	mduchek 02/24/2009		sbasford 02/24/2009	mbarman 03/05/2009	

FE Sent For:

None

<END>

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See attached.

See 2003 AB 521

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/?	rchampag	<i>1/kjf</i> <i>2/23</i>	<i>MD</i>	<i>MD</i> <i>2/24</i>			

FE Sent For:

<END>



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-2690/1
RJM:cjs:rs

2003 ASSEMBLY BILL 521

September 18, 2003 - Introduced by Representatives McCORMICK, NISCHKE, STASKUNAS, HAHN, HONADEL, KRAWCZYK, GRONEMUS, WEBER and GIELOW, cosponsored by Senators KANAVAS, STEPP, LASSA, REYNOLDS and ROESSLER. Referred to Committee on Economic Development.

- 1 **AN ACT** *to repeal* 401.105 (2) (c) and chapter 406; and *to amend* 402.403 (4),
2 452.09 (3) (a), 480.08 (2m) (intro.) and 480.14 (4) of the statutes; **relating to:**
3 ✓ bulk transfers of inventory.
-

Analysis by the Legislative Reference Bureau

✓ Under current law, the bulk transfer provisions of the Uniform Commercial Code (UCC) generally require a business enterprise to give creditors notice before any transfer of a major part of the value of the business' inventory or a substantial part of the equipment of the business, if the equipment is included with a bulk transfer of inventory. These provisions apply to all business enterprises whose principal business is the sale of merchandise from stock, including retailers of alcohol beverages. This bill repeals the bulk transfer provisions of the UCC.

The National Conference of Commissioners on Uniform State Laws and the American Law Institute recommended repeal of the UCC bulk transfers law in 1989 and promulgated the official text. The American Bar Association approved the text in 1990.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 4 ✓ **SECTION 1.** 401.105 (2) (c) of the statutes is repealed.
5 ✓ **SECTION 2.** 402.403 (4) of the statutes is amended to read:

ASSEMBLY BILL 521

SECTION 2

1 402.403 (4) The rights of other purchasers of goods and of lien creditors are
2 governed by chs. 406, 407 and 409.

3 ✓ **SECTION 3.** Chapter 406 of the statutes is repealed.

4 **SECTION 4.** 452.09 (3) (a) of the statutes is amended to read:

5 ✓ **452.09 (3) (a)** In determining competency, the department shall require proof
6 that the applicant for a broker's or salesperson's license has a fair knowledge of the
7 English language, a fair understanding of the general purposes and general legal
8 effect of deeds, mortgages, land contracts of sale, leases, bills of sale, chattel
9 mortgages, and conditional sales contracts, ~~the provisions of the bulk sales law~~ and
10 a general and fair understanding of the obligations between principal and agent, as
11 well as of this chapter. An applicant receiving a failing grade, as established by rules
12 of the department, on any examination given under this section shall be denied a
13 license, but any applicant may review his or her examination results in a manner
14 established by rules of the department.

15 ✓ **SECTION 5.** 480.08 (2m) (intro.) of the statutes is amended to read:

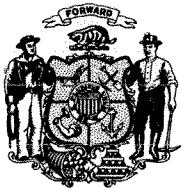
16 **480.08 (2m) EXAMINATION NOT REQUIRED.** (intro.) Notwithstanding sub. (2) (e),
17 the department shall register as an auctioneer under sub. (2) an individual who, not
18 later than December 1, 1997, satisfies the requirements under sub. (2) (intro.) and
19 (a) to (d); submits to the department a statement, signed by the individual, verifying
20 that he or she has knowledge of the requirements for auctioneers under ss. 29.501,
21 and 402.328 ~~and 406.108~~, subch. III of ch. 77, subch. VIII of ch. 218, this chapter, and
22 all other state laws that include requirements for auctioneers; and submits evidence
23 satisfactory to the department that he or she has done any of the following:

24 **SECTION 6.** 480.14 (4) of the statutes is amended to read:

ASSEMBLY BILL 521

1 480.14 (4) An auctioneer shall comply with all requirements for auctioneers
2 under ss. s. 402.328 and 406.108 and the rules promulgated under ss. s. 402.328 and
3 406.108.

4 (END)



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-2020/1

RAC:.....

6f

2009 BILL

- gen. cat.

1 AN ACT ...; relating to: bulk transfers of inventory.

5

Analysis by the Legislative Reference Bureau

X Under current law, the bulk transfer provisions of the Uniform Commercial Code (UCC) generally require a business enterprise to give creditors notice before any transfer of a major part of the value of the business' inventory or a substantial part of the equipment of the business, if the equipment is included with a bulk transfer of inventory. These provisions apply to all business enterprises whose principal business is the sale of merchandise from stock, including retailers of alcohol beverages. This bill repeals the bulk transfer provisions of the UCC.

X The National Conference of Commissioners on Uniform State Laws and the American Law Institute recommended repeal of the UCC bulk transfers law in 1989 and promulgated the official text. The American Bar Association approved the text in 1990.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 401.105 (2) (c) of the statutes is repealed.

3 SECTION 2. 402.403 (4) of the statutes is amended to read:

4 402.403 (4) The rights of other purchasers of goods and of lien creditors are
5 governed by chs. 406, 407 and 409.

BILL**SECTION 3**

SECTION 3. Chapter 406 of the statutes is repealed.

SECTION 4. 452.09 (3) (a) of the statutes is amended to read:

452.09 (3) (a) In determining competency, the department shall require proof that the applicant for a broker's or salesperson's license has a fair knowledge of the English language, a fair understanding of the general purposes and general legal effect of deeds, mortgages, land contracts of sale, leases, bills of sale, chattel mortgages, conditional sales contracts, ~~the provisions of the bulk sales law~~ and a general and fair understanding of the obligations between principal and agent, as well as of this chapter. An applicant receiving a failing grade, as established by rules of the department, on any examination given under this section shall be denied a license, but any applicant may review his or her examination results in a manner established by rules of the department.

History: 1981 c. 94, 391; 1983 a. 273; 1985 a. 305; 1989 a. 341; 1995 a. 400; 1997 a. 27; 2003 a. 168.

SECTION 5. 480.08 (2m) (intro.) of the statutes is amended to read:

480.08 (2m) EXAMINATION NOT REQUIRED. (intro.) Notwithstanding sub. (2) (e), the department shall register as an auctioneer under sub. (2) an individual who, not later than December 1, 1997, satisfies the requirements under sub. (2) (intro.) and (a) to (d); submits to the department a statement, signed by the individual, verifying that he or she has knowledge of the requirements for auctioneers under ss. 29.501, and 402.328 and 406.108, subch. III of ch. 77, subch. VIII of ch. 218, this chapter, and all other state laws that include requirements for auctioneers; and submits evidence satisfactory to the department that he or she has done any of the following:

History: 1993 a. 102; 1995 a. 225; 1997 a. 248; 2007 a. 20.

SECTION 6. 480.14 (4) of the statutes is amended to read:

BILL

1 480.14 (4) An auctioneer shall comply with all requirements for auctioneers
2 under ~~ss. s. 402.328 and 406.108~~ and the rules promulgated under ~~ss. s. 402.328 and~~
3 ~~406.108~~.

4 History: 1993 a. 102.

(END)

Parisi, Lori

From: Williams, Ritch
Sent: Wednesday, March 04, 2009 4:00 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-2020/1 Topic: Repeal of UCC Article VI

Please Jacket LRB 09-2020/1 for the ASSEMBLY.